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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5356 of 2007

PETITIONERS

1. Dalsay Markam S/o Shri Dori Ram, Age about 41 years, Asstt. Teacher, Govt. Primary School, Urdigaon, Block – Makdi, Distt. – Bastar (C.G.)
2. Dhanesh Ram Nag S/o Shri Mangalu Ram Nag, Age about 41 years, Asstt. Teacher, Govt. Primary School, Jhakapara, Block – Makdi, Distt. – Bastar (C.G.)
3. Gannoo Ram Nag S/o Shri Bhima Ram Nag, Age about 39 years, Asstt. Teacher, Govt. Primary School, Sodma, Block – Makdi, Distt. – Bastar (C.G.)
4. Laxmi Nath Sori S/o Shri Dhani Ram Sori, Age about 34 years, Asstt. Teacher, Govt. Primary School, Targaon, Block – Makdi, Distt. – Bastar (C.G.)
5. Shyam Lal Sori S/o Shri Chaitu Ram Sori, Age about 35 years, Asstt. Teacher, Govt. Primary School, Devharduli, Block- Makdi, Distt. – Bastar (C.G.)
6. Gandu Ram Patel S/o Shri Prem Lal Patel, Age about 42 years, Asstt. Teacher, Govt. Primary School, Jogidih, Block – Fingeshwar, Distt. – Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through: Secretary, School Education Department Ministry, D.K.S. Bhawan, Raipur (C.G.)
2. Assistant Commissioner, Tribal Welfare Department Raipur/Bastar (C.G.)
3. Block Education Officer, Makdi/Fingeshwar
4. Joint Director, Treasury, Account & Pension Raipur/Bastar (C.G.)

(Writ Petition under Article 226of the Constitution of India)

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

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W.P.(S) No. 5356/2007

ORAL ORDER
(17.09.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}.*** He submits that the case of the petitioners is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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